

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER BRANDON DAVIS,  
  
Plaintiff,  
  
v.  
  
M. PORTILLO, et al.,  
  
Defendants.

Case No.: 1:22-cv-00457-KES-CDB (PC)

**ORDER GRANTING PLAINTIFF'S  
REQUESTS TO MODIFY THE  
DISCOVERY AND SCHEDULING ORDER**

(Docs. 45, 47)

Plaintiff Christopher Brandon Davis is proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983.

**I. RELEVANT BACKGROUND**

The Court issued its Discovery and Scheduling Order on December 22, 2023. (Doc. 38.)

On February 22, 2024, the Court issued its Order Granting Plaintiff's Request to Extend Discovery and Scheduling Order Deadlines. (Doc. 40.)

On February 5, 2024, Plaintiff filed a document titled "Extension to Filing Deadlines Request." (Doc. 45.)

On September 18, 2024, Plaintiff filed a document titled "Motion to Compel Discovery Pitches Motion."<sup>1</sup> (Doc. 46.) The following day, Plaintiff filed a document titled "Request for Extension to Filing Deadlines, Second Request." (Doc. 47)

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<sup>1</sup> The motion filed September 18, 2024, will be resolved separately and in due course.

## II. DISCUSSION

District courts have broad discretion to manage discovery and to control the course of litigation under Federal Rule of Civil Procedure 16. *Hunt v. Cnty. of Orange*, 672 F.3d 606, 616 (9th Cir. 2012). A scheduling order may be modified only upon a showing of good cause and by leave of Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). In considering whether a party moving for a schedule modification has shown good cause, the Court primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory committee's notes of 1983 amendment). When an act must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A).

Briefly stated, Plaintiff's timely requests to extend the deadlines concerning the completion of discovery and for the filing of dispositive motions by 60 days establish good cause for modification of the Discovery and Scheduling Order.

## III. CONCLUSION AND ORDER

Good cause appearing, **IT IS HEREBY ORDERED** that:

1. Plaintiff's requests to extend certain discovery deadlines (Docs. 45, 47) are **GRANTED**;
2. The Discovery and Scheduling Order is **MODIFIED** as follows:
  - a. The deadline to complete discovery is extended from September 23, 2024, to **November 22, 2024**; and
  - b. The deadline to file dispositive motions is extended from December 2, 2024, to **January 31, 2025**.

IT IS SO ORDERED.

Dated: **September 20, 2024**

  
UNITED STATES MAGISTRATE JUDGE